



November 11, 2016

**Ex Parte**

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 Twelfth Street, S.W.  
Washington, D.C. 20554

RE: Lifeline and Link Up Reform and Modernization, WC Docket No. 11-42;  
Telecommunications Carriers Eligible for Universal Service Support,  
WC Docket No. 09-197; Connect America Fund, WC Docket No. 10-90

Dear Ms. Dortch:

On October 3, 2016, the United States Telecom Association (USTelecom) submitted a Petition for Waiver<sup>1</sup> (USTelecom Petition) to the Federal Communications Commission (Commission) in the above-referenced proceedings. The USTelecom Petition sought a limited-time waiver of the revised rules 54.400(j) and 54.409(a), and applicable sections of the Lifeline order,<sup>2</sup> to permit Lifeline providers to continue enrolling consumers in the federal Lifeline program based on state-specific program and income eligibility criteria in states identified by USTelecom.

Since the USTelecom Petition was filed, five states (Michigan, Missouri, New York, Utah, and Vermont) and Puerto Rico have filed in support of the waiver.<sup>3</sup> In addition, the states of California, Vermont and Wisconsin have filed separate waiver requests with the Commission.<sup>4</sup>

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<sup>1</sup> United States Telecom Association, Petition For Waiver, WC Docket Nos. 11-42; 09-197; 10-90 (October 3, 2016) (*USTelecom Petition*); *see also*, Public Notice, *Wireline Competition Bureau Seeks Comment on United States Telecom Association's Petition for Waiver*, DA 16-1144 (October, 6, 2016).

<sup>2</sup> *See*, Third Report and Order, Further Report and Order, and Order on Reconsideration, *Lifeline and Link Up Reform and Modernization*, 31 FCC Rcd 3962, 81 FR 33025, 81 FR 45973, 81 FR 67922, FCC 16-38 (released April 27, 2016).

<sup>3</sup> *See*, Comments of the Michigan Public Service Commission, WC Docket No. 11-42, WC Docket No. 09-197, WC Docket No. 10-90 (submitted October 21, 2016); Comments Missouri Public Service Commission, WC Docket No. 09-197, WC Docket No. 10-90; Comments of the New York State Public Service Commission, WC Docket No. 11-42, WC Docket No. 09-197, WC Docket No. 10-90 (submitted October 21, 2016); Utah Division of Public Utilities, WC Docket No. 09-197,

Consistent with the commitments made in the USTelecom Petition, USTelecom previously submitted an ex parte notice to the Commission on October 17 that further amended the list of states for which relief has been requested.<sup>5</sup> Throughout this process, USTelecom members have been working closely with impacted state agencies to monitor the progress of regulatory and statutory updates intended to bring state programs into alignment with the Commission's reforms.

With that commitment in mind, USTelecom has recently identified several states that have since updated their legal frameworks to a sufficient degree where it is believed that the waiver requested in the USTelecom Petition is no longer necessary.<sup>6</sup> Exhibit 1 identifies the 8 states where the relief requested in the USTelecom Petition is no longer necessary. USTelecom also understands that regulatory authorities for Oregon, South Carolina and Washington, DC will soon update their legal frameworks to bring them into alignment with the Commission's Lifeline eligibility criteria. Upon the issuance of formal administrative actions by these regulatory agencies, USTelecom will update the Commission accordingly.

Attached as Exhibit 2, USTelecom lists the 20 states and territories where waiver relief remains necessary, including those where administrative actions are pending. Exhibit 2 further identifies those states and territories that have filed in support of the USTelecom Petition and/or filed a separate waiver request with the Commission.

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WC Docket No. 10-90 (submitted October 21, 2016); Vermont Department of Public Service, WC Docket No. 11-42, WC Docket No. 09-197, WC Docket No. 10-90 (submitted October 21, 2016); Comments of the Puerto Rico Telecommunications Regulatory Board, WC Docket No. 11-42 (October 21, 2016).

<sup>4</sup> See, Petition of the California Public Utilities Commission for Temporary Waiver, WC Docket No. 11-42, WC Docket No. 09-197, WC Docket No. 10-90 (submitted October 28, 2016); State of Vermont, Department of Public Service, Limited waiver of certain sections of the recently adopted Lifeline order, WC Docket No. 11-42 (November 3, 2016); Public Service Commission of Wisconsin's Petition For Waiver, WC Docket No. 11-42, WC Docket No. 09-197, WC Docket No. 10-90 (submitted November 3, 2016).

<sup>5</sup> See, USTelecom Ex Parte Notice, WC Docket No. 11-42, WC Docket No. 09-197, WC Docket No. 10-90 (submitted October 17, 2016).

<sup>6</sup> USTelecom notes that such states may nevertheless file a waiver request.

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Please contact the undersigned should you have any questions.

Sincerely yours,

A handwritten signature in blue ink, appearing to read "Kevin G. Rupy", with a long, sweeping flourish extending from the end.

Kevin G. Rupy  
Vice President, Law & Policy

Ms. Marlene H. Dortch  
November 11, 2016  
Attachment

**Exhibit 1**  
**Updated List of States**  
**No Longer Requiring a Waiver**

Alaska  
Kansas  
Kentucky  
Minnesota  
Nebraska  
Nevada  
New Jersey  
Ohio

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**Exhibit 2**  
**States Still Requiring a Waiver**

California\*\*  
Connecticut  
Florida  
Idaho  
Illinois  
Maryland  
Michigan\*  
Missouri\*  
New Mexico  
New York\*  
Oklahoma  
Oregon\*\*  
South Carolina\*\*  
Texas  
Utah\*  
Vermont+  
West Virginia  
Wisconsin\*\*  
Puerto Rico\*  
Washington, DC\*\*

\* Filed in support of USTelecom Petition

\*\* Filed separate waiver with the Commission

+ Filed in support of USTelecom Petition and a separate waiver with the Commission

\*\* Pending action by regulatory authority